HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 1989 OF 2006

DATED: 9.8.2006

Between:

K. Thirupathi

… Petitioner

and

The Government of Andhra Pradesh
And others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 1989 OF 2006

ORAL ORDER:

This writ petition is directed against the order of the 1st respondent dated 18.1.2006 in G.O.Rt.No.154, Revenue Department.

On 10.12.2003, a public auction for grant of licence for collecting coconut halves, offered by the devotees of the 3rd respondent-Devasthanam, was conducted. The petitioner was granted the licence for the period 1.1.2004 to 31.12.2004, being the highest bidder. He bid an amount of Rs.7,04,000/- per annum. As per the practice, 23 shops are permitted to sell coconuts. As part of the renovation programme of the shopping area in the Temple, the licencees in the 20 shops were evicted on 31.1.2004 and those shops were later demolished. Within 15 days thereafter, the remaining shops are also stated to have been demolished.

As the petitioner suffered a loss, he made representation in March

2004 to the 2nd and 3rd respondents seeking extension of licence by one more year. Aggrieved by the non-responsiveness to his representation, the petitioner filed W.P.No.22687 of 2004. This writ petition was disposed of by the judgment dated 8.12.2004, directing the respondents 1 and 2 therein to consider the petitioner's representation dated 10.5.2004 and if satisfied as to the petitioner having sustained loss, to consider the petitioner's representation either for grant of remission of rent or for extending the period of licence corresponding to the loss sustained.

Pursuant to the judgment of the court above, the 2nd respondent-the Commissioner of Endowments, considered the petitioner's representation and by the order dated 29.3.2005, granted extension of licence for a period of 8 months from 1.1.2006 onwards. Against the 2nd respondent's order, the 3rd respondent-Devasthanam preferred a revision to the Government and by the impugned order, the State Government in exercise of its revisional power, under Section 93 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') interfered with the order of the 2nd respondent-Commissioner to the extent of reducing the period of extended lience of the petitioner and limiting it upto 30.4.2006. Inter alia, the State Government recorded that though the petitioner had suffered a financial loss on account of the demolition of the shops he was licenced to operate during the year 2004, as there is an increased pilgrim traffic now, in the considered

view of the State Government, extension of lease up to 30.4.2006, would constitute sufficient recompense for the loss suffered by the petitioner for the interrupted earlier licence period.

The petitioner assails the order of the Government on the singular ground that as the Commissioner was satisfied that 8 months extension of lease would be adequate, the State Government had no business to interfere with such satisfaction of the Commissioner. Such a contention is stated to be rejected.

Indisputably, the State Government has a revisional jurisdiction over the orders of the Commissioner. The Commissioner's word is not the last word under the Statute. In exercise of its quasi-judicial oversight jurisdiction under Section 93 of the Act, there was a re-assessment of the factual situation by the State Government and on a rational satisfaction as to the increase in the pilgrim traffic, the State Government was satisfied that the loss suffered by the petitioner during the earlier licence term is adequately compensated by granting extension of licence up to 30.4.2006. This assessment by the State Government, exercising jurisdiction under Section 93 of the Act is not demonstrated, in this writ petition, to be perverse or *mala fide*. No other justifiable grounds exist for exercise of judicial review.

On the aforesaid analysis, there are no merits. The writ petition beseeches rejection and is accordingly dismissed. No order as to costs.

GODA RAGHURAM, J

Date: 9.8.2006

cvm